

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM AND JULIE HARSHAW, Husband & Wife,
individually and as guardians of ROMAN HARSHAW,

Plaintiffs,

v.

BETHANY CHRISTIAN SERVICES,
BETHANY CHRISTIAN SERVICES INT'L, INC., and
BETHANY CHRISTIAN SERVICES
- HAMPTON ROADS, all Michigan corporations,

Defendants.

Case No. 1:08-cv-104

Chief Judge Paul L. Maloney

Magistrate Judge Ellen Carmody

ORDER

**Denying Without Prejudice as Moot the Plaintiffs' *Original* Motion for Default Judgment;
Permitting Plaintiffs to File a Reply Brief in Support of *Amended* Motion for Default Judgment**

On Thursday, May 20, 2010, the Harshaws filed a motion to strike the answer and affirmative defenses or enter judgment against the defendants as a contempt sanction. Specifically, in *Harshaw 6*, this court directed the defendants to reimburse the Harshaws, no later than Monday, May 17, 2010, in an amount described therein, related to the reinstatement of BCS-HR as a defendant. *See Harshaw 6*, 2010 WL 1692833 at *27-28 (discussion) and *31 (order). The Harshaws' motion alleged that "Bethany still has not paid any monies towards that Court-ordered obligation. Neither has Bethany contacted the Harshaws to make arrangements for any payments whatsoever." Plaintiffs' Opening Brief in Support of Motion for Default Judgment (Doc 263) at 3. The defendants filed an opposition brief on Monday, May 24, 2010 (Doc 269); that same day, however, the

Harshaws filed an *amended* motion for default judgment and a supporting brief (Docs 267 & 268), and the defendants filed a brief opposing the amended motion. The amended motion briefs indicate that the defendants made the required payment on Thursday, May 20, 2010, three days after the court-ordered deadline. The court determines that the plaintiffs' amended motion supersedes and replaces their original motion.

ORDER

The plaintiffs' *original* motion for default judgment or other contempt sanction **[document #262]** is **DENIED** without prejudice as moot.

No later than Thursday, June 10, 2010, the plaintiffs MAY FILE a reply brief in further support of their *amended* motion for default judgment or other contempt sanction.

This is not a final, immediately appealable order. *See Griffin v. Reznick*, 609 F. Supp.2d 695, 709 (W.D. Mich. 2008) (citing, *inter alia*, *Tanner Co. v. US*, 575 F.2d 101, 102 (6th Cir. 1978)).

IT IS SO ORDERED this 28th day of May 2010.

/s/ Paul L. Maloney
Honorable Paul L. Maloney
Chief United States District Judge